

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**TRANSPORT INSURANCE COMPANY,  
individually and as assignee of Transport Managing General Agency**

**Plaintiff,**

**v.**

**No. CIV 01-1269 JP/LFG**

**DANIEL NAVA, BLACK HEART TRANSPORTERS,  
INC., RAMON MONTOYA, WILLIAM M. BYERS d/b/a  
BUYERS INSURANCE GROUP, and  
UNITED STATES LIABILITY INSURANCE COMPANY**

**Defendants.**

**AFFIDAVIT OF SUM CERTAIN**

**STATE OF NEW MEXICO            )  
  )ss.  
COUNTY OF BERNALILLO        )**

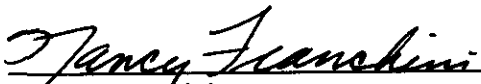
The undersigned, after first being duly sworn upon her oath, deposes, and states that:

1. My name is Nancy Franchini and I am the attorney for the Plaintiff in the above-styled and numbered cause of action;
2. Since April 1, 2001, Plaintiff has been providing a defense for Daniel Nava in the case of *Ramon E. Montoya v. Daniel Nava, Blackheart Transporters, Inc. and Buyers Insurance Group*, CV 99-47, Fourth Judicial District Court, Guadalupe County, State of New Mexico. See Exhibit "A" attached.
3. To date, Plaintiff has expended a total of \$8799.01 in costs and attorney fees while providing a defense for Daniel Nava. See Exhibit "A".
4. Plaintiff was charged \$150.00 to file the Complaint in this matter. See Exhibit "B".

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5. Plaintiff was charged \$154.87 to serve Daniel Nava and William Byers d/b/a Buyers Insurance Group. See Exhibits "C-1" and "C-2".

**FURTHER AFFIANT SAYETH NAUGHT.**

  
Nancy Franchini  
317 Commercial NE, Second Floor  
Albuquerque NM 87102  
(505) 243-7848

**SUBSCRIBED AND SWORN TO** before me this 2<sup>nd</sup> day of April, 2002,  
by Nancy Franchini.

  
Notary Public

My Commission Expires: 1-31-2003

THE EXHIBITS ATTACHED TO THIS  
PLEADING ARE TOO VOLUMINOUS TO  
SCAN. SAID EXHIBITS ARE ATTACHED  
TO THE ORIGINAL PLEADING IN THE  
CASE FILE WHICH IS LOCATED IN THE  
RECORDS DEPARTMENT, U.S.  
DISTRICT COURT CLERK'S OFFICE.